

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,
Plaintiff-Appellant,
v.
AHMED RESSAM, also known as
Benni Antoine Noris,
Defendant-Appellee.

No. 05-30422
D.C. No.
CR-99-00666-001-
JCC

UNITED STATES OF AMERICA,
Plaintiff-Appellee,
v.
AHMED RESSAM, also known as
Benni Antoine Noris,
Defendant-Appellant.

No. 05-30441
D.C. No.
CR-99-00666-001-
JCC
ORDER

On Remand from the United States Supreme Court

Filed August 15, 2008

Before: Arthur L. Alarcón, Pamela Ann Rymer, and
Marsha S. Berzon, Circuit Judges.

ORDER

The mandate of the United States Supreme Court having issued on Ahmed Ressam's appeal from his conviction for carrying an explosive during the commission of a felony in violation of 18 U.S.C. § 844(h)(2)(1994), *United States v. Ressam*, ___ U.S. ___, 128 S.Ct. 1858 (2008), we must now

reach the government's challenge to the reasonableness of Ressam's sentence. *United States v. Carty*, 520 F.3d 984 (9th Cir. 2007) (en banc), was decided after sentence was imposed in this case and, among other things, *Carty* makes clear that all sentencing proceedings must begin by determining the applicable Guidelines range. *Id.* at 993. This was not done here. Accordingly, we vacate the sentence and remand for resentencing in accordance with *Carty*.

VACATED AND REMANDED.

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